

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

JOSE C. RODRIGUEZ-CARO,  
Petitioner,

09-CV-133-ST  
ORDER

v.

DON MILLS

Respondent.

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**BROWN, Judge.**

Magistrate Judge Janice M. Stewart issued Findings and Recommendation (#34) on February 25, 2011, in which she recommends the Court deny Petitioner Jose C. Rodriguez-Caro's Petition (#2) for Writ of Habeas Corpus, dismiss this matter with prejudice, and deny Petitioner a Certificate of Appealability. The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

Because no objections to the Magistrate Judge's Findings and Recommendation were timely filed, this Court is relieved of its obligation to review the record *de novo*. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9<sup>th</sup> Cir. 2003)(*en banc*). See also *United States v. Bernhardt*, 840 F.2d 1441, 1444 (9<sup>th</sup> Cir. 1988). Having reviewed the legal principles *de novo*, the Court does not find any error.

**CONCLUSION**

The Court **ADOPTS** Magistrate Judge Stewart's Findings and

Recommendation (#34) and, accordingly, **DENIES** the Petition (#2) for Writ of Habeas Corpus, **DISMISSES** this matter **with prejudice**, and **DENIES** a Certificate of Appealability.

IT IS SO ORDERED.

DATED this 27<sup>th</sup> day of April, 2011.

/s/ Anna J. Brown

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ANNA J. BROWN  
United States District Judge